



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

GEN-PROBE INCORPORATED, )  
Plaintiff, )  
vs. ) No. 99cv2668 H (AJB)  
VYSIS, INC., )  
Defendant. )

The confidential deposition of DONALD  
NEIL HALBERT, Ph.D., called as a witness for  
examination, taken pursuant to the Federal Rules of  
Civil Procedure of the United States District  
Courts pertaining to the taking of depositions,  
taken before ANDREA L. CARTER, a Notary Public  
within and for the County of Cook, State of  
Illinois, and a Certified Shorthand Reporter of  
said state, CSR No. 84-3722, at 100 Abbott Park  
Road, Abbott, Illinois, on the 19th day of April,  
A.D. 2001, at 10:17 a.m.

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1 Q. At least as to the four -- the Examples  
2 4 through 7, is there any information or reference  
3 with respect to those examples that you would  
4 characterize to suggest specific amplification?

5 A. To suggest specific amplification?

6 Q. Yes.

7 A. Not to my knowledge.

8 Q. Of any of the examples, not just limited  
9 to Examples 4 through 7, but for any of the  
10 examples 1 through 7, is there any -- any  
11 information associated with those four examples in  
12 the '338 patent that you recognize to be the result  
13 of any experimental work that you conducted while  
14 at either Gene-Trak or Amoco?

15 A. That I recognize as being the result of  
16 my own experimental work?

17 Q. Yes, sir.

18 A. I don't have clear enough recollection  
19 of that.

20 Q. And my question was that limited, but  
21 let me expand it a little bit.

22 Do you recognize anything about Examples  
23 1 through 7 that you recognize to be the result of  
24 experimental work that you supervised while you